

REMARKS

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claim 3 is requested to be cancelled without prejudice or disclaimer. Claims 1, 4-5, 7-8 and 10-11 are currently being amended. Support for the amendment to the independent claims can be found at least in original claim 3. No new matter is being added.

This amendment changes and deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1-2 and 4-18 are now pending in this application, of which claims 12-18 have been withdrawn from consideration.

Foreign priority claim

Applicants request the Patent Office to acknowledge applicants' claim for foreign priority in the next communication from the Patent Office.

Rejection under 35 U.S.C. § 112, second paragraph

Claims 3, 7 and 8 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. The claims have been amended to address the issues raised in the Office Action, and applicants submit that the rejection under 35 U.S.C. § 112, second paragraph, has been overcome.

Rejection under 35 U.S.C. § 103

Claims 1-11 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,587,835 to Treyz ("Treyz") in view of U.S. Patent Application Publication No.

2002/0051200 to Chang (“Chang”). Applicants respectfully traverse this rejection for at least the following reasons.

Independent claim 1 is directed to an advertising transmitting system, and, as amended, recites “a production section which produces advertisement data that contains advertisement document information to be transmitted to the portable terminal by using advertisement information stored in the storage section”, and “wherein the advertisement information contains advertisement layout information, advertisement type information, and user profile information which is added to address information of the portable terminal and used to determine items suited for a user of the portable terminal who is a target of the advertisement.”

Thus, in the claim 1 system, advertisement data to be transmitted to the portable terminal is produced by using the advertisement information, where the advertisement information contains advertisement layout information, advertisement type information, and profile information which is added to address information of the portable terminal and used to determine items suited for the user of the portable terminal who is a target of the advertisement. Therefore, undesired advertisements can be prevented from being delivered to a user of the portable terminal as the advertisement data. Treyz and Chang fail to disclose the feature recited in claim 1 of the “advertisement information contains advertisement layout information, advertisement type information, and user profile information which is added to address information of the portable terminal and used to determine items suited for a user of the portable terminal who is a target of the advertisement” in the context of that claim.

Treyz teaches receiving advertisements on a portable device. Promotional material is displayed as the advertisement in combination with a shopping list on a screen of the portable device. The shopping list is produced interactively with a user of the portable device and the promotional material is targeted based on the contents of the shopping list.

Treyz, however, fails to disclose using user profile information to determine items suited for the user of the portable terminal who is a target of the advertisement. Thus, in

contrast to claim 1, Treyz fails to disclose “advertisement information contains advertisement layout information, advertisement type information, and user profile information which is added to address information of the portable terminal and used to determine items suited for a user of the portable terminal who is a target of the advertisement.”

Independent claims 10 and 11 each recite “wherein the advertisement information contains advertisement layout information, advertisement type information, and user profile information which is added to address information of the portable terminal and used to determine items suited for a user of the portable terminal who is a target of the advertisement”, and thus are patentable for reasons analogous to those discussed above with respect to claim 1.

The dependent claims under consideration depend from claim 1, and are patentable for at least the same reasons, as well as for further patentable features recited therein.

Chang merely discloses sending a request from a portable apparatus to print a document, but fails to cure the deficiencies of Treyz.

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for

such extension under 37 C.F.R. §1.136 and authorize payment of any such extensions fees to
Deposit Account No. 19-0741.

Respectfully submitted,

Date January 23, 2008

FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (202) 945-6162
Facsimile: (202) 672-5399

By Thomas G. Bilodeau

Pavan K. Agarwal
Attorney for Applicant
Registration No. 40,888

Thomas G. Bilodeau
Attorney for Applicant
Registration No. 43,438